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10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

Case No. 800-2019-054798

15 **REBECCA LYNNE DARSEY, M.D.**
16 **Kaiser Permanente**
1 Quality Dr.
Vacaville, CA 95688

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A 88782,**

19 Respondent.

20 **PARTIES**

21 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
23 (Board).

24 2. On or about September 3, 2004, the Board issued Physician's and Surgeon's
25 Certificate Number A 88782 to Rebecca Lynne Darsey, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on December 31, 2021, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2220 of the Code states:

“Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate

1 holders, and the board shall have all the powers granted in this chapter for these purposes
2 including, but not limited to:

3 “(a) Investigating complaints from the public, from other licensees, from health care
4 facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct.
5 The board shall investigate the circumstances underlying a report received pursuant to Section
6 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining
7 order should be issued. The board shall otherwise provide timely disposition of the reports
8 received pursuant to Section 805 and Section 805.01.

9 “(b) Investigating the circumstances of practice of any physician and surgeon where there
10 have been any judgments, settlements, or arbitration awards requiring the physician and surgeon
11 or his or her professional liability insurer to pay an amount in damages in excess of a cumulative
12 total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was
13 proximately caused by the physician’s and surgeon’s error, negligence, or omission.

14 “(c) Investigating the nature and causes of injuries from cases which shall be reported of a
15 high number of judgments, settlements, or arbitration awards against a physician and surgeon.”

16 6. Section 820 of the Code states:

17 “Whenever it appears that any person holding a license, certificate or permit under this
18 division or under any initiative act referred to in this division may be unable to practice his or her
19 profession safely because the licentiate’s ability to practice is impaired due to mental illness, or
20 physical illness affecting competency, the licensing agency may order the licentiate to be
21 examined by one or more physicians and surgeons or psychologists designated by the agency.
22 The report of the examiners shall be made available to the licentiate and may be received as direct
23 evidence in proceedings conducted pursuant to Section 822.”

24 7. Section 822 of the Code states:

25 “If a licensing agency determines that its licentiate’s ability to practice his or her
26 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
27 competency, the licensing agency may take action by any one of the following methods:

28 “(a) Revoking the licentiate’s certificate or license.

1 “(b) Suspending the licentiate’s right to practice.

2 “(c) Placing the licentiate on probation.

3 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
4 discretion deems proper.

5 “The licensing section shall not reinstate a revoked or suspended certificate or license
6 until it has received competent evidence of the absence or control of the condition which caused
7 its action and until it is satisfied that with due regard for the public health and safety the person’s
8 right to practice his or her profession may be safely reinstated.”

9 **CAUSE FOR RESTRICTION AND/OR REVOCATION**
10 **(Mental or Physical Illness Affecting Competency to Practice Medicine)**

11 8. Respondent’s Physician’s and Surgeon’s Certificate No. A 88782 is subject to action
12 under section 822 of the Code, in that her ability to practice medicine safely is impaired, because
13 she is mentally or physically ill, affecting competency, as more particularly alleged hereinafter.

14 9. On or about April 4, 2019, the Board received a Subsequent Arrest Notification,
15 which stated that Respondent was arrested on April 3, 2019, for 31 counts of Animal Cruelty
16 (Penal Code, section 597 (A)) and 1 count of Willful Cruelty to a Child (Penal Code, section 273
17 (A)). The circumstances are as follows:

18 11. On or about January 16, 2019, the Yolo County Sherriff’s Office (YCSO) received a
19 phone call requesting a welfare check on a large number of animals in Respondent’s home. The
20 caller stated that Respondent had over twenty (20) animals living in her home, such as, cats, dogs,
21 and exotic birds. The caller additionally expressed concern for the welfare of Respondent’s 10-
22 year-old son, who also lived at the residence.

23 12. Following the complaint, investigators searched the Yolo County Animal services
24 database and found that Respondent had one cat and two dogs registered under her name.
25 However, following a conversation with the office manager at the veterinary clinic, used by
26 Respondent, investigators were informed that Respondent had brought in 21 different animals for
27 veterinary treatment. The office manager additionally told the investigator that during
28 Respondent’s visits, the animals were often unkempt and exhibited a variety of illnesses.

1 13. On January 22, 2019, YCSO officers went to Respondent's home. Upon entering the
2 home, the strong smell of pet urine and feces caused difficulty breathing. Respondent's home was
3 in disarray with clothes laying all over the place and bird cages full of excrement, dog kennels
4 with feces in them and three large cats running around on the counters of the kitchen. There were
5 several large bird cages—full of feces—sitting on top of the table, on the floor and on other
6 kennels. There were nine cat litter boxes full of fecal matter, which appeared not to have been
7 cleaned in several days. Following the visit, YCSO officers shared their concerns with
8 Respondent and informed her that they would follow-up with her on or about January 29, 2019.

9 14. On or about January 25, 2019, Respondent contacted YCSO and cancelled the
10 appointment and said she would follow up the next week. However, Respondent never
11 reconnected with YCSO.

12 15. On or about March 15, 2019, an acquaintance of Respondent (Witness 1) contacted
13 YCSO and expressed concern regarding Respondent's treatment of the animals in her home. She
14 additionally stated that Respondent's son (Son) was unable to sleep in his own room, due to it
15 being used to house animals.

16 16. On or about April 3, 2019, YCSO served a search warrant and arrested Respondent
17 for Penal Code, section 21310, on 31 counts of Animal Cruelty (Penal Code, section 597 (A)) and 1
18 count of Willful Cruelty to a Child (Penal Code, section 273 (A)). During the arrest YCSO officers
19 noted that the home had an "overwhelming" smell of urine and feces. Officers additionally noted
20 that the condition of the premises was dirty and unsafe. During the search, six dead kittens were
21 found in Respondent's freezer. Following the YCSO search, an officer from Child Protective
22 Services (CPS), was contacted and arrived at the scene. Son was then taken to protective custody
23 and placed under the care of his father.

24 17. During YCSO's search of the home, officers located 24 cats (6 deceased), 5 dogs,
25 and 8 exotic birds on the property. Following the search, Respondent was taken into custody, and
26 on or about April 4, 2019, the YCSO notified the Board of Respondent's arrest.

27 18. On June 12, 2019, the Yolo County District Attorney's Office declined to file
28 criminal charges against Respondent.

1 19. Based on concerns regarding the above information, the Board requested that
2 Respondent participate in a voluntary mental evaluation—pursuant to Business and Professions
3 Code, section 820—in in order to determine whether Respondent’s ability to practice medicine
4 safely is impaired due to a mental illness. On or about April 23, 2021, Respondent signed a
5 voluntary agreement to participate in a mental examination by a Board-appointed psychiatrist (Dr.
6 W.).

7 20. On June 26, 2021, following her psychiatric evaluation of Respondent and review of
8 the relevant materials, Dr. W. submitted a report, which contained the following findings and
9 opinions:

10 A. Dr. W. found that Respondent suffered from Adjustment Disorder with
11 Mixed Anxiety Disorder and Depressed Mood. She further found that either Respondent’s
12 distress is out of proportion to the severity of the stressor, or that there is significant
13 impairment in social, occupational, or other important areas of functioning. Respondent
14 reached a point where she was unable to work or take care of her household. With the
15 reactivation of these issues due to the Board investigation, she is again having symptoms
16 of depression and anxiety.

17 B. Dr. W. found that even with medication, Respondent’s current screening
18 for depression is at the top of the normal range with a score of 4. She describes ongoing
19 anxiety symptoms currently and her GAD-7 (screening for Generalized Anxiety Disorder)
20 is elevated with a score of 6. She denies current depressed mood, but is on medication that
21 could be treating both her depression and her anxiety. A clear diagnosis is not only
22 muddled by the events and her reactions to them (e.g. the Adjustment Disorder noted
23 above), but also by medical factors that could be contributing to her symptoms, such as
24 her severe obstructive sleep apnea and her menopausal issues.

25 C. Dr. W. observed that following the aforementioned events, Respondent
26 failed to follow up with a psychiatrist for up to seven months. Additionally, Respondent
27 was self-prescribing prednisone, Effexor, and Maxalt, and did not have a primary care
28 provider that was monitoring her medical conditions. Instead, Respondent appeared to be

1 taking herself on and off medications unsupervised.

2 D. Dr. W. found that although Respondent's insight and judgement have
3 improved, she is still early in the process. Since Respondent has not been consistent with
4 her mental health follow-up, she and her providers might not become aware if her mental
5 health takes a downturn. Dr. W. concluded that without Board monitoring, and if
6 Respondent's mental health deteriorated, patient care could be compromised without
7 Respondent's intention or awareness.

8 E. Dr. W. further responded to the following questions:
9 When asked if Respondent had a mental illness or condition that impacts her ability to
10 safely engage in the practice of medicine, Dr. W. stated, "Yes...ADHD and Anxiety
11 Disorder as well as ongoing Adjustment disorder that could impact her ability to safely
12 engage in the practice of medicine."

13 F. When asked if Respondent's presentation is possibly due to a physical
14 illness, requiring physical examination, Dr. W. replied, "Yes...a physical examination as
15 well as ongoing medical care by a physician are necessary."

16 G. When asked if Respondent was able to practice medicine safely at this time
17 without any restrictions or conditions, Dr. W. replied, "No, although improved at present
18 she is not able to practice medicine safely at this time without restrictions or conditions."

19 H. When asked if Respondent was unable to practice medicine safely as a
20 result of a mental illness or condition, Dr. W. replied, "No, the physician is able to safely
21 practice medicine at this time if the appropriate monitoring and conditions are met."

22 I. When asked if Respondent's continued practice poses a present danger or
23 threat to the public health, welfare or safety, Dr. W. replied, "No, the physician's
24 continued practice does not pose a threat to public health at this time, *but there is risk that*
25 *it could in the future.*" [emphasis added.]

26 J. When asked if Respondent has a mental illness or condition which requires
27 monitoring, treatment, oversight, or other terms and conditions in order to practice
28 medicine safely, Dr. W. replied, "Yes, as outlined above, she does have a mental illness or

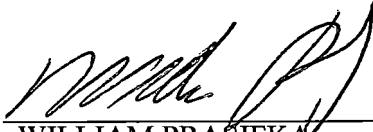
1 condition that requires monitoring, treatment oversight or other terms and conditions in
2 order to practice medicine safely.”

3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Medical Board of California issue a decision:

- 6 1. Revoking or suspending Physician’s and Surgeon’s Certificate Number A 88782,
7 issued to Respondent Rebecca Lynne Darsey, M.D.;
- 8 2. Revoking, suspending or denying approval of Respondent Rebecca Lynne Darsey,
9 M.D.’s authority to supervise physician assistants and advanced practice nurses; .
- 10 3. Ordering Respondent Rebecca Lynne Darsey, M.D., if placed on probation, to pay the
11 Board the costs of probation monitoring; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: SEP 29 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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